

Data Privacy Notice (how we use workforce information)

On the 25th May 2018 the Data Protection Act 1998 replaces by the General Data Protection Regulation (GDPR).

St Mary's School and College ("St Mary's", the trading name of The Talking Trust) is a data controller for the purposes of the GDPR.

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils.

Our Data Protection Controller is Jamie Eastes

The categories of school workforce information that we collect, process, hold and share include:

We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to: Data about your use of the school's information and communications system

- personal information and contact details (such as name, employee or teacher number, national insurance number, address, any relevant medical information)
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- special categories of data including characteristics information such as gender, age, ethnic group
- contractual payroll and employee information (such as, start dates, hours worked, post, roles, salary information,

pension information, annual leave)

- Bank account details, payroll records, National Insurance number and tax status information
- work absence information (such as number of absences and reasons)
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Qualifications (and, where relevant, subjects taught)
- Employment records, including work history, job titles, working hours, training records and professional memberships
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- data protection information and other information regarding safeguarding
- Copies of documents, such as driving licence and passport
- CCTV footage
- Photographs

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Health, including any medical conditions, and sickness records

Why we collect and use this data

The purpose of processing this data is to help us run the school, including to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid through the payroll and complete all necessary statutory returns
- enable individuals to be paid through the pension administrators and complete all necessary statutory returns
- enable better financial modelling and planning
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- To comply with the legal requirements and legitimate interests set out in the Global Data Protection Regulation 2018 ("GDPR") and UK law.

Our lawful basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

The condition for processing under the GDPR will be:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
 - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Education Act 2005 sections 113 and 114 - is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records,

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis.

In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold school workforce data for:

- While they are employed
- Up to 6 years plus current year
- For as long as necessary for the exclusive and essential contractual purposes of providing information for the administration and payment of pensions

With whom and why we share this information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- Our Local Authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns. We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
- Department for Education (DfE)
We share personal data with the DfE on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment. For more information about the DfE's data sharing process, please visit:
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>
- Your family or representatives
- Educators and examining bodies
- Our regulator (e.g. Ofsted)
- Central and local government
- Our auditors

- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll
- Financial organisations
- Survey and research organisations
- Health authorities
- HM Revenue and Customs

- Pension administrators
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

- Employment and recruitment agencies

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). As noted above, all state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005 To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

who is requesting the data

- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold.

If you want to see a copy of the information about you that we hold and/or share, please contact the school's Data Protection Controller on DPC@stmarysbexhill.org

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

Further information

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>